

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

MEETING OF SEPTEMBER 7, 1995

There will be a meeting of the Manistee City Planning Commission to be held on Thursday, September 7, 1995 at 7:00 P.M. in the City Council Chambers in City Hall, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call
- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing:
 - 1. Fisherman's Center Inc. - Special Use Permit
 - 2.
 - B. Site Plan Reviews:
 - 1. Jack Rutherford - Lot Split & Combination
 - 2. Alan Verheek - Lot Combination
 - C. Questions, Concerns and Consideration of Matters Pertaining to Citizens in Attendance:
 - 1.
 - 2.
- III. Business Session:
 - A. Approval of Minutes from Last Meeting (8/3/95)
 - B. Unfinished Business:
 - 1. Fisherman's Center Inc.
 - 2.
 - C. Other Communications:
 - 1. City Update
 - 2.
 - D. Reports:
 - 1. D.D.A. Update
 - 2. Zoning Board of Appeals
 - 3. Site Plan Review/Historic Overlay Committees
 - 4. Joint City Review/Ordinance Committee
 - 5. Mobile Homes
 - 6. Oil & Gas Committee
 - 7. River Street Traffic
 - E. New Business:
 - 1. Public Access North end Lake Michigan Beach
 - 2.
- IV. Work/Study Session:
- V. Adjournment

cc: Planning Commission Members
R. Ben Bifoss, City Manager
Jon Rose, City Code Administrator
Kurt Schindler, County Planner
Manistee News Advocate
Manistee Observer
WMTE Radio
WXYQ Radio
Beth Adams, DDA/Mayor
Dale Picardat
Julie Beardislee, Assessor

lots three (3), four (4), five (5), and six (6), Block One (1), Lake
Winnogene Subdivision, according to the plat thereof as recorded in
Liber 2-A of Plats, page 20.

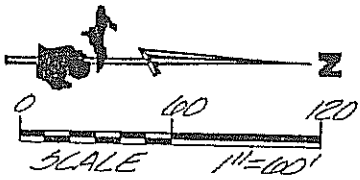
Q.7-95

SUBJECT TO ALL RESTRICTIONS and easements of record.

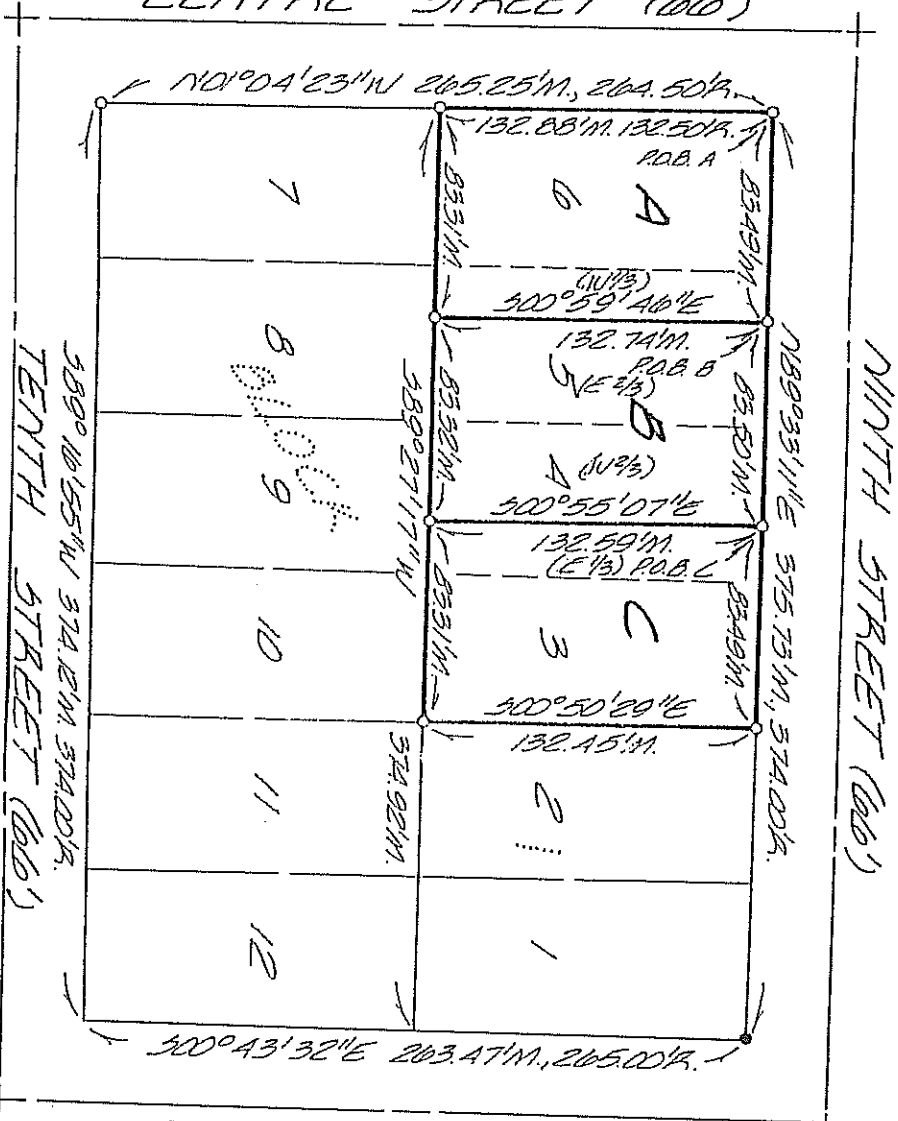
John

This is a request to change
lots 3, 4, 5, 6 to lots A, B, C, to
meet new zone laws to lot
size

James Turley
Jack Ketter



CENTRE STREET (66')



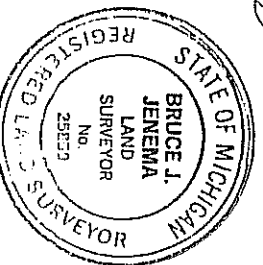
NINTH STREET (66')

DAVID STREET (66')

CERTIFICATE
OF SURVEY
LOTS 3, 4, 5 & 10, BLOCK 1,
LAKE WINNODGENE SUBURB
OF THE CITY OF MANISTEE,
MICHIGAN.

LEGEND

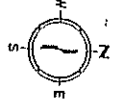
- IRON FOUND
- 1/2" IRON W/ CAP SET
- M. MEASURED
- A. RECORDED



I, the undersigned, being a Registered Land Surveyor, hereby certify that I have surveyed and mapped the above parcel of land, that the ratio of closure of the adjusted field observations is noted, and within limits and that I have fully complied with the regulations of Act 122, P.A. 1970 as amended.
The basis for bearings is: ASSUMED

Error of Closure is 1"

Bruce J. Jenema
R.L.S. No. 25850



Jenema Land Surveys
302 River Street
Manistee, MI 49660
616-723-7930

Survey for:	JACK RUTHERFORD		
File No.	91465	Sheet	1 of 1

PARCEL "A":

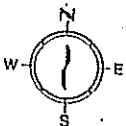
Lot 6 and the West one-third of Lot 5, Block 1, Lake Winnogene Suburb of the city of Manistee, Michigan. Recorded in Liber 2-A of Plats, page 20. Described as follows: Beginning at the Northwest corner of said Block, thence N89°33'11"E 83.49 ft., thence S00°59'46"E 132.74 ft., thence S89°27'17"W 83.31 ft., thence N01°04'23"W 132.88 ft. to the point of beginning.

PARCEL "B":

The West two-thirds of Lot 4 and the East two-thirds of Lot 5, Block 1, Lake Winnogene Suburb of the City of Manistee, Michigan. Recorded in Liber 2-A of Plats, Page 20. Described as follows: Commencing at the Northwest corner of said Block, thence N89°33'11"E 83.49 ft. to the point of beginning, thence continuing N89°33'11"E 83.50 ft., thence S00°55'07"E 132.59 ft., thence S89°27'17"W 83.32 ft., thence N00°59'46"W 132.74 ft. to the point of beginning.

PARCEL "C":

Lot 3 and the East one-third of Lot 4, Block 1, Lake Winnogene Suburb of the City of Manistee, Michigan. Recorded in Liber 2-A of Plats, Page 20. Described as follows: Commencing at the Northwest corner of said Block, thence N89°33'11"E 166.99 ft. to the point of beginning, thence continuing N89°33'11"E 83.49 ft., thence S00°50'29"E 132.45 ft., thence S89°27'17"W 83.31 ft., thence N00°55'07"W 132.59 ft. to the point of beginning.



Jenema Land Surveys

302 River Street
Manistee, MI 49860
616-723-7930

Prepared for: Jack Rutherford

Sheet 2 of 2

Date Nov. 19, 1991

File No. 91465

AUG 8 1995

COUNCIL GOVERNMENT
CITY MANAGER PLAN

P.O. BOX 358

MANISTEE, MICHIGAN 49660

CITY OF MANISTEE
Michigan

\$150.00

APPLICATION for SPECIAL USE PERMIT

Fisherman's Center Inc.
 APPLICANT
263 Arthur St.
 ADDRESS
Manistee MI 49660
 CITY, STATE & ZIP CODE
 TELEPHONE NUMBERS - (HOME) _____
 (WORK) 723-7718

FOR OFFICE USE ONLY	
PERMIT NUMBER	_____
DATE RECEIVED	<u>8.8.95</u>
TAX PARCEL NUMBER	<u>51-51-174-702-05</u>
FEE RECEIVED & DATE	<u>150.00 8.8.95</u>
RECEIPT NUMBER	<u>9475</u>
ACTION	
REFERRED TO PLANNING COMMISSION	_____
DATE OF PUBLIC HEARING	<u>9.7.95</u>
ACTION TAKEN	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED
DATE OF ACTION	_____
EXPIRATION DATE OF PERMIT	_____

Attn. Matt Phillips, Mgr./V.P.

PLEASE NOTE: ALL QUESTIONS MUST BE ANSWERED COMPLETELY. IF ADDITIONAL SPACE IS NEEDED, NUMBER AND ATTACH ADDITIONAL SHEETS. ALL INFORMATION REQUESTED ON THIS FORM MUST BE COMPLETED AND ANY ADDITIONAL INFORMATION REQUIRED BY THE ZONING ADMINISTRATOR, CITY ENGINEER OR CITY PLANNING COMMISSION, IN ORDER TO ADMINISTER THE ZONING & BUILDING ORDINANCES, MUST BE SUPPLIED. APPLICANTS ARE ENCOURAGED TO SEEK ASSISTANT FROM THE ZONING ADMINISTRATOR/BUILDING INSPECTOR IN FILLIN OUT THIS FORM. IF POSSIBLE, PLEASE CALL 616-723-2558 (MONDAY THROUGH FRIDAY, FROM 8 A.M. TO 5 P.M.) AND ASK FOR THE ASSESSOR'S OFFICE TO MAKE AN APPOINTMENT TO AVOID DELAYS.

I. ACTION REQUESTED

IT IS HEREBY REQUESTED THAT THE MANISTEE CITY PLANNING COMMISSION APPROVE THE ISSUANCE OF A SPECIAL USE PERMIT ON THE PROPERTY DESCRIBED IN "I" PROPERTY INFORMATION (BELOW) WHICH IS LOCATED IN THE C-3 ZONING DISTRICT, FOR THE PURPOSE OF: (STATE PROPOSED USE OF PROPERTY) Allowing up to (4) four trailers / campers / E.V.'s on property April -> October, self-contained units only.

A PREVIOUS APPLICATION FOR A VARIANCE, SPECIAL USE PERMIT OR REZONING ON THIS LAND (HAS / HAS NOT) BEEN MADE WITH RESPECT TO THESE PREMISES IN THE LAST _____ YEARS. IF A PREVIOUS APPEAL, REZONING, OR SPECIAL USE PERMIT APPLICATION HAS BEEN MADE, STATE THE DATE, NATURE OF ACTION REQUESTED AND THE DECISION: _____, DATE _____, ACTION REQUESTED _____, DECISION: ☒ APPROVED ☐ DENIED

II. PROPERTY INFORMATION

A. LEGAL DESCRIPTION OF PROPERTY AFFECTED: See Attached #1

TAX ROLL PARCEL PROCESS NUMBER 51-51-174-702-05
 ADDRESS OF PROPERTY: 263 Arthur St. Manistee MI 49660

(CONTINUED)

APPLICATION for SPECIAL USE PERMIT

II. PROPERTY INFORMATION (CONTINUED)

B. LIST ALL DEED RESTRICTIONS- CITE LIBER & PAGE WHERE FOUND & ATTACH:

None

C. NAMES & ADDRESSES OF ALL OTHER PERSONS, FIRMS OR CORPORATIONS HAVING A LEGAL OR EQUITABLE INTEREST IN THE LAND:

None

D. THIS AREA IS ☐ UNPLATTED, ☒ PLATTED, ☐ WILL BE PLATTED
IF PLATTED, NAME OF PLAT See description on attached #1

E. THE PRESENT USE OF THE PROPERTY IS Retail Store Marins. Also owners home on premises.

F. ATTACH A SITE PLAN WHICH MEETS THE REQUIREMENTS OF THE SPECIAL USE PERMIT ORDINANCE (SEE ATTACHED LIST OF REQUIREMENTS) Attached #2

G. IS A PROPERTY SURVEY ATTACHED? ☒ YES ☐ NO Attached #3

H. ESTIMATED COMPLETION DATE OF CONSTRUCTION (IF APPLICABLE): _____

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION

A. STATE SPECIFICALLY THE REASON FOR THIS SPECIAL USE PERMIT REQUEST AT THIS TIME
To increase business potential, i.e. allow dockage clients to stay close to their boat slips.

B. STATEMENT OF SUPPORT FOR THE REQUEST. PLEASE JUSTIFY YOUR REQUEST FOR A SPECIAL USE PERMIT BELOW. THE JUSTIFICATION SHOULD ADDRESS THE FOLLOWING CONCERNS:
(ATTACH ADDITIONAL SHEETS) See attached #4

1. THE RELATIONSHIP OF THE SPECIAL USE PERMIT CONDITIONS (ARTICLE 86, SECTION 8609) TO THE PARTICULAR SPECIAL USE PROPOSED. DO THEY POSE ANY UNUSUAL PROBLEMS FOR COMPLIANCE?
2. RELATIONSHIP OF THE PROPOSED USE TO DEVELOPMENT PLANS OF MANISTEE COUNTY AND THE CITY OF MANISTEE.
3. IMPACTS OF THE ADJACENT PROPERTY AND NEIGHBORHOOD. IN PARTICULAR, FIRST INDICATE WHICH IMPACTS OF THE PROPOSED USE ON THE ADJACENT PROPERTY ARE ANTICIPATED AND SECOND, WHAT STEPS WILL BE TAKEN TO MITIGATE ANY NEGATIVE IMPACTS. CONSIDER THE FOLLOWING CONCERNS:
 - A. WILL THE PROPOSED USE ADVERSELY AFFECT THE HEALTH, SAFETY OR ENJOYMENT OF PROPERTY OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD?
 - B. WILL PROPOSED USE BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO PROPERTY OF IMPROVEMENTS IN THE NEIGHBORHOOD?

IV. INFORMATION REQUIRED IN APPLICATION (AS PER ARTICLE 86, SECTION 8604)

A. AN APPLICATION FOR SPECIAL USE PERMIT SHALL INCLUDE:

1. A DETAILED SITE PLAN, AS SPELLED OUT IN SECTION 9406 OF THIS ORDINANCE, A COPY OF WHICH IS ATTACHED.
2. A SPECIFIC STATEMENT AND SUPPORTING INFORMATION REGARDING THE REQUIRED FINDINGS FOR THE SPECIAL USE PERMIT, AS STATED IN SECTION 8609.
3. PROPOSED LOCATION OF ANY OPEN SPACES, LANDSCAPING AND BUFFERING FEATURES SUCH AS GREENBELTS, FENCES, ETC.

IV. INFORMATION REQUIRED IN APPLICATION (CONTINUED)

B. IN ADDITION, THE APPLICANT MAY BE REQUIRED TO FURNISH:

1. ELEVATIONS ON ALL BUILDINGS, INCLUDING ACCESSORY BUILDINGS.
2. AN ENVIRONMENTAL ASSESSMENT.
3. EVIDENCE OF HAVING RECEIVED OR HAVING AN AGREEMENT FOR CONCURRENT APPROVAL FOR ANY OTHER NECESSARY PERMITS REQUIRED PRIOR TO A CONSTRUCTION CODE PERMIT.
4. MEASURES WHICH WILL BE UNDERTAKEN TO CONTROL SOIL EROSION, SHORELINE PROTECTION, EXCESSIVE NOISE, OR ADVERSE IMPACTS OF THE DEVELOPMENT ON THE SURROUNDING PROPERTIES.

C. THE APPLICANT SHALL CERTIFY THE INFORMATION INCLUDED IS CORRECT AND THAT MEASURES PROPOSED TO MITIGATE ADVERSE IMPACTS WILL BE COMPLETED IN A TIMELY FASHION, IF THE SPECIAL USE PERMIT IS APPROVED.

V. CERTIFICATION AND AFFIDAVIT

THE UNDERSIGNED AFFIRMS THAT HE/SHE/they IS/ARE THE ☐ OWNER, ☐ LESSEE, ☐ OWNER'S REPRESENTATIVE, ☐ CONTRACTOR INVOLVED IN THE APPLICATION; AND THAT THE INFORMATION INCLUDED IN THIS APPLICATION IS CORRECT. FURTHER, IF THE REQUEST IS APPROVED, THE APPLICANT CERTIFIES THAT MEASURES PROPOSED TO MITIGATE ADVERSE IMPACTS WILL BE COMPLETED IN A TIMELY FASHION AND WILL ABIDE WITH THE ALL OF THE REQUIREMENTS OF ARTICLE 86 OF THE CITY OF MANISTEE ZONING ORDINANCE.

SIGNATURE(S) OF APPLICANT(S)

Maah CP. QQQ, Mgr./VP

DATED

8-3-95

Fishermen's Center

"COHO HEADQUARTERS"
263 Arthur Street (U.S. 31)
Manistee, Michigan 49860
Phone (616) 723-7718



CHARTER BOAT SERVICE
MARINA TACKLE
LIVE BAIT
BOATS-MOTORS
HONEST INFORMATION

S C THOMPSONS ADDITION PT LOT B AT A FT ON N LI SEC 1 252 3/4 FT W OF MEANDER
POST, S 45 DEG 41 MIN W ALG SLY LI U.S. 31 134.1 FT, S 34 DEG 39 MIN E 227.4 FT
TO MANISTEE LAKE, NELY ALG LAKE TO A FT S 35 DEG E OF POB, N 35 DEG W TO POB EXC
COM SW COR GOVT LOT 4, E 702.7 FT TO INT TWP LI + S R/W US31 FOR POB, S 35 DEG E 100
FT, N 43 DEG 48 MIN W 98.5 FT TO R/W US31, N 45 DEG 56 MIN E ALG R/W 15 FT TO
POB LOT B PROPERTY.

Fisherman's Center

263 Arthur Street (U.S. 31)
Manistee, Michigan 49660
Phone (616) 723-7718



**HONEST INFORMATION
OPEN YEAR 'ROUND
WITH YOUR
TOTAL FISHING &
HUNTING NEEDS**

Attachment #4 - Application for Special Use Permit

III.B.1.

Required data on site plan for special use permit is enclosed, except for items 17, 19, 20, 21, and 22 per Jon Rose.

III.B.2.

The proposed use of site per special use request would fall in line with city and county plans to promote business and business opportunities.. If the requested application is granted, it would mean more dollars being spent and staying in Manistee.

III.B.3.

There is no expected adverse effect on adjacent property. In fact, the adjacent property to the east, Solberg's Boat Yard, currently offers a similar service to it's dockage customers, i.e. some dock renters also rent a site for their travel trailers/RV's. The property to the west, behind the Mufflerman, has not been used for anything for at least the past fifteen years. Occasionally the owner of Mufflerman parks his RV there to camp for a few days.

III.B.3.A.

The proposed use will not adversely affect the health, safety, or enjoyment of property or persons. We are not in a neighborhood per se.

III.B.3.B.

The proposed use will not be detrimental to the public welfare or neighborhood property improvements. We intend to enforce, as we already do with our dock renters, a policy of no pets, no open fires, no excessive noise, and no excessive drinking of alcohol.

Fisherman's Center

263 Arthur Street (U.S. 31)
Manistee, Michigan 49660
Phone (616) 723-7718



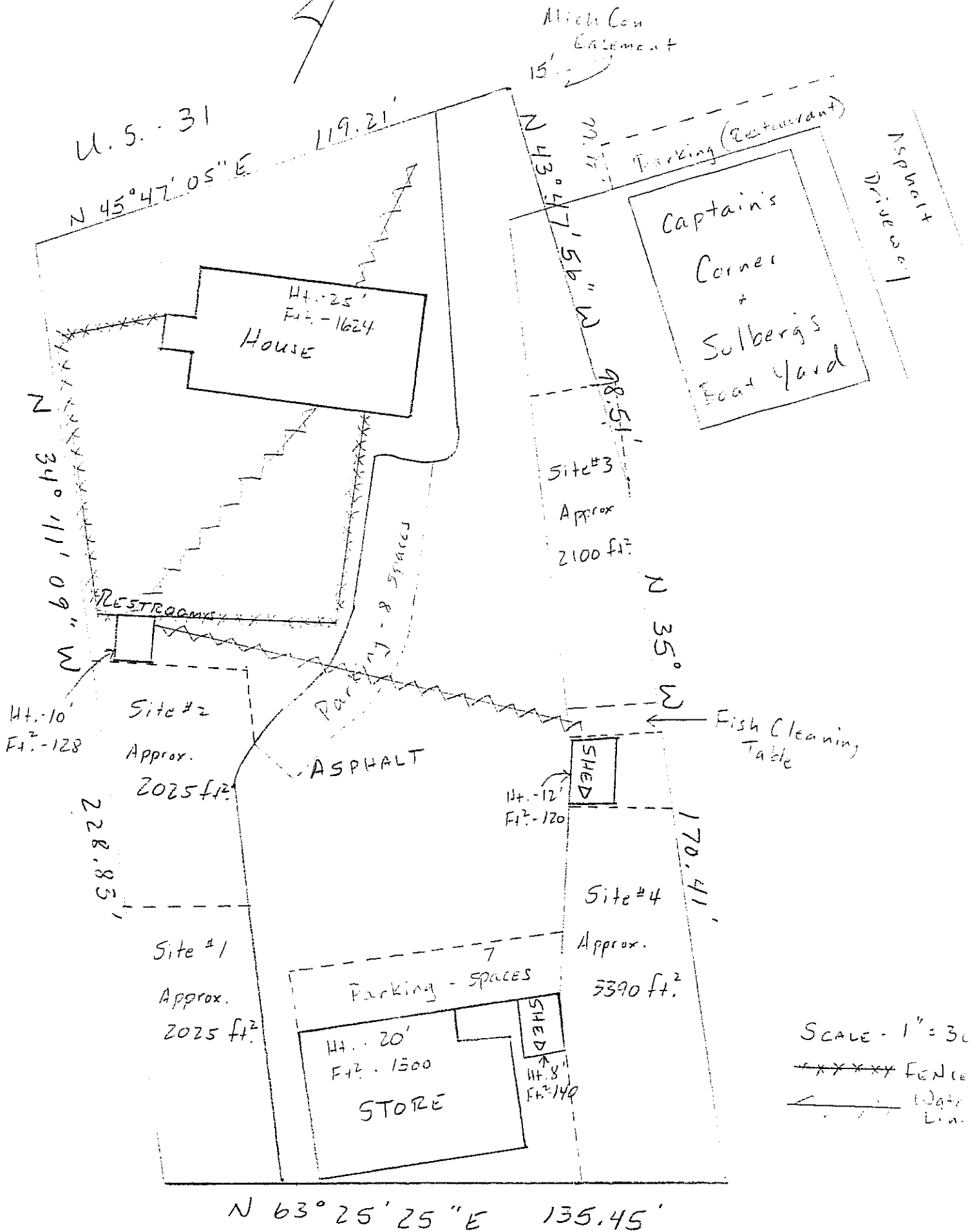
**HONEST INFORMATION
OPEN YEAR 'ROUND
WITH YOUR
TOTAL FISHING &
HUNTING NEEDS**

Application for Special Use Permit:

Required data on site plan-

- Item 1. see attachment #3
- Item 2. see attachment #1
- Item 3. same as applicant
- Item 4. see attachment #3
- Item 5. see attachment #2
- Item 6. see attachment #2
- Item 7. see attachment #2
- Item 8. Rainwater drains in a southerly direction across asphalt parking lot.
- Item 9. see attachment #2
- Item 10. No physical alterations are proposed to land.
- Item 11. No proposed connections/extensions of utilities will be needed.
- Item 12. No item 12 on sheet. A skipped number.
- Item 13. The proposed development involves simply allowing four trailers/RV's to park on Fisherman's Center, Inc.'s property.
- Item 14. see attachment #2
- Item 15. not applicable , none proposed other than existing features.
- Item 16. not applicable, no new structures proposed.
- Item 17. not applicable per Jon Rose.
- Item 18. Not applicable, none proposed.
- Item 19. not applicable per Jon Rose.
- Item 20. not applicable per Jon Rose.
- Item 21. not applicable per Jon Rose.
- Item 22. not applicable per Jon Rose.

Attached #2

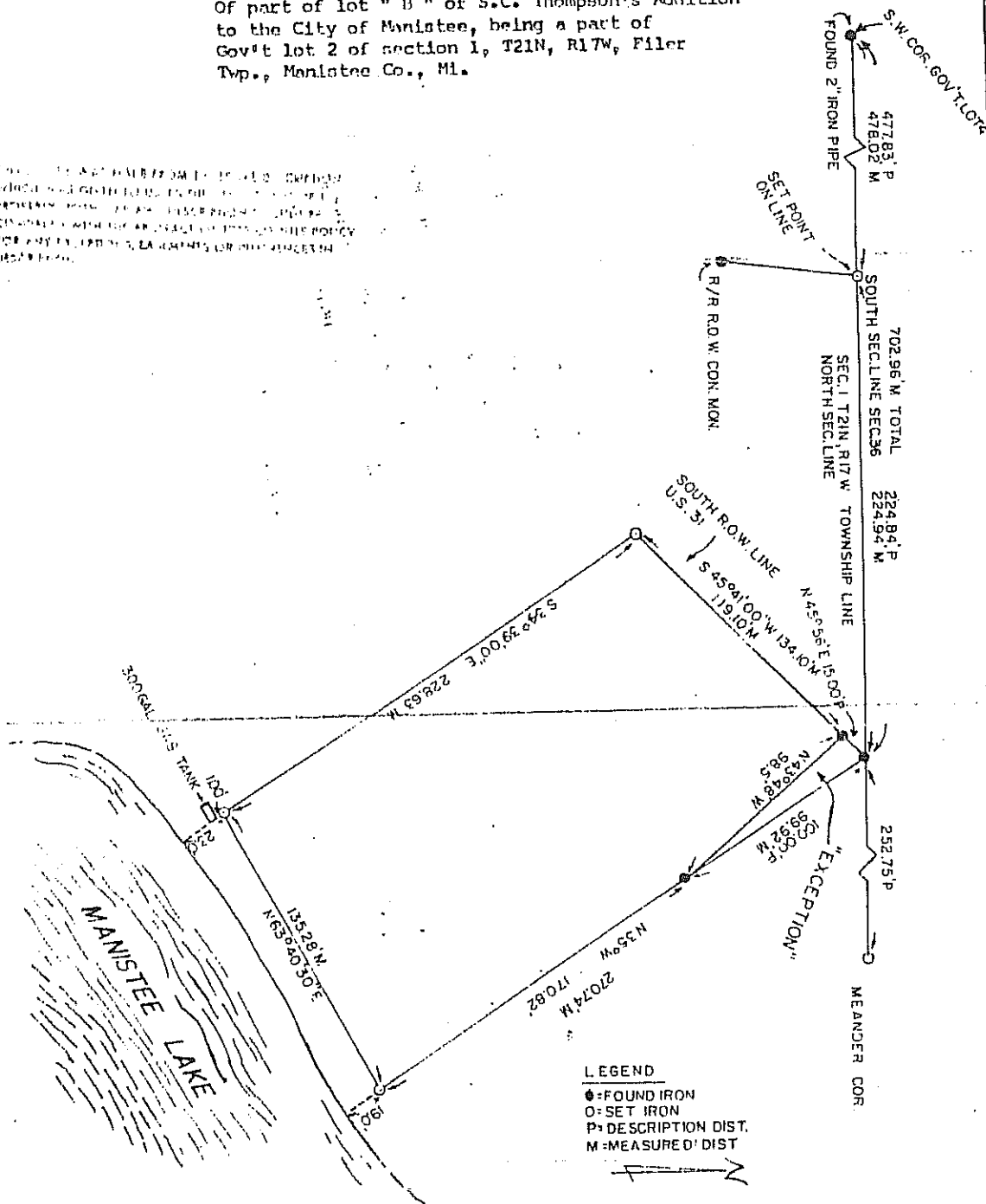


Attached #3

SURVEY CERTIFICATE

Of part of lot "B" of S.C. Thompson's Addition
to the City of Manistee, being a part of
Gov't lot 2 of section 1, T21N, R17W, Filer
Twp., Manistee Co., MI.

THIS SURVEY WAS MADE FROM THE PLAT OF S.C. THOMPSON'S ADDITION TO THE CITY OF MANISTEE, BEING A PART OF GOV'T LOT 2 OF SECTION 1, T21N, R17W, FILER TWP., MANISTEE CO., MI. THE SURVEY WAS MADE IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF MICHIGAN, AND THE SURVEYOR'S OATH.



NOTE:
There is an exception for right-of-way
to Michigan Consolidated Gas Company across this property

	(HARBOUR REAL-ESTATE) DON JONES 513 OAK ST. MANISTEE, MICH.			
	SCALE: 1"=60'	DRAWING NO. MO-392	DATE: 9/21/77	JOB 77127
	DRAWN BY: S W Z			
NORTHWEST SURVEY & ENGINEERING CO. 310 S. WASHINGTON AVE. LUDINGTON, MICHIGAN 49431 AREA CODE (616) 843-9636				

Roger Yoder
225 Seventh Street
Manistee, MI 49660

August 11, 1995

T. T. Collins, Jr.
92 Poplar Street
Manistee, MI 49660

Dear Mr. Collins:

In response to your letter dated August 9, 1995. We first want to inform you that a Public Hearing was not required on the recommendation for acquisition of Man-Made Lake.

A Public Hearing on our recommendation for acquisition of Man-Made Lake was held on Tuesday, July 18, 1995 by the City Council.

In response to your statement that City Manager, R. Ben Bifoss has pushed some "pet projects" through the Planning Commission we can assure this that this has not happened in the past and will not happen in the future.

Thank you for your concern.

A handwritten signature in cursive script that reads "Roger Yoder".

Roger Yoder
Chairman
Manistee City Planning Commission

To Roger Yoder
Chairman, Manistee Planning Commission

Aug. 9, 1995

From: T.T.(Tex) Collins, Jr.

Subject: Possible Failure Of Planning Commission To Hold A ~~Proper~~ Proper
Public Hearing On The MM Lake Acquisition Matter

I wrote the following letter some days before it ~~xx~~ appeared that the MM Lake Property may now be acquired for public use by lease rather than purchase. However, I believe my question now raised should be considered and clarified as such situations may occur again regarding actions taken by the Planning Commission.

EARLIER LETTER

In looking at the News Advocate article of 7/7/95, I wondered if your Committee had failed to go through the proper procedure and may not have held your own Public hearing before taking your recommendations to the meeting of the City Council.

From the article, I presumed the hearing on July 18th before the City Council might not have been the formal Public Hearing for your Committee as I understand is required.

I hope you can clarify this matter before it gets into question by the Public. Some of us are interested in assuring that the City Manager be prevented from rushing some of his "pet projects" through the Planning Committee and then on to City Council for approval the next week without adequate time for Public input and criticism.

Thank you for your help on this matter.

T. Collins



Board discusses lake acquisition

By ERIKA MARIONA

Staff Writer

7/7/95
A draft of a letter which will be presented to the Manistee City Council addressing the Man-Made Lake purchasing issue was read over by City Planning Commission members during Thursday evening's meeting.

The letter, which was conscripted by member Janice Gavilinski and Ron Bauman, stated many reasons why the Planning Commission felt that the aquisition of Man-Made Lake went far and beyond just the purchasing of land.

"It would be used for more than just a swimming hole," said Bauman.

The letter consisted of detailing the commission's recommendations, responsibilities and goals. Among those goals stated in the letter were "a quality of life and a proactive approach."

The letter began by stating some background information about the recommendation to the City Council on purchasing Man-Made

Lake, and that the ultimate decision should be made by the citizens of Manistee, based on complete knowledge of the issue, including recreational and economic development benefits.

Also, the letter listed some reasons as to why the aquisition would be important to the city.

Such as: "The land in question is a non-renewable source of significant natural beauty, offering recreational activities such as walking, picnicking, sports and fishing."

Members read the letter, making few changes or additions. After the letter was read, City Code Administrator Jon Rose displayed an overhead drawing showing Man-Made Lake, explaining what portion would be purchased, and where the boundary lines are now drawn.

Members agreed that the drafted letter was reasonable, with Chairperson Roger Yoder adding, "I think it is justifiable in our recommendation, and we list those

reasons."

The public hearing on Man-Made Lake will be held before the next City Council meeting on July 18.

Also discussed during the Planning Commission meeting was the recommendation to council to allow a paved sidewalk expansion at 812 Cypress St. The Cypress Street dental office will be renting its lower level to Roger Karsten for a physical therapy clinic. The clinic will need adequate parking space for patients, with the dental office applying for the expansion.

A seven- to 10-day trial run of a L.I.S.C.S. pilot computer will be arriving at City Hall the end of July. The computer will access map and land information on the city of Manistee. If it is well accepted, the permanent computer addition will be made in the fall.

Updates on recent City Council, Downtown Development Authority, and Zoning Board of Appeals meetings were also made during the report session. ♦

M
7/7/95
File
(MML Lake Purchase)

See 7/6/95 broadcast tape of Planning Comm. meeting

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

SPECIAL MEETING OF MAY 18, 1995

A Special Worksession of the Manistee City Planning Commission to be held on Thursday, May 18th, 1995 at 7:00 P.M. in the City Council Chambers in City Hall, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call
- II. New Business

ADULT FOSTER CARE HOMES

PUBLIC ACCESS MANMADE LAKE

- III. Adjournment

NOTICE OF SPECIAL MEETING

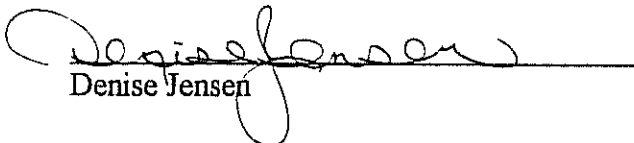
City of Manistee Planning Commission

The Manistee City Planning Commission will hold a Special Worksession to discuss Adult Foster Care Homes and any other matters that may arise. The meeting will be at 7:00 p.m. on Thursday, May 18, 1995 in the Council Chambers at City Hall, 70 Maple Street, Manistee, MI 49660.

Interested parties are welcome to attend or can comment in writing to: Code Administrator, City of Manistee, 70 Maple Street, Manistee, MI 49660.

Jon R. Rose
Code Administrator

Posted: Friday, May 5, 1995 12:00 noon


Denise Jensen

9.7.95

Aug. 30, 1995

John Rose
Manistee City Bldg Ins.
70 Maple Street
Manistee, MI 49660

Dear Mr Rose,

Could you please combine the following
discriptions together for planning and landuse

51-51-374-713-09 - Tygon & Co. East 1/2 lot 5
Block 7.

51-51-374-713-10 Tygon & Co. West 1/2 lot 5
Block 7.

Thank you,

Dan H. Jackson.

9-7-95

MANISTEE GAS LIMITED LIABILITY COMPANY

EXECUTIVE ADMIN. OFFICE:

P.O. Box 4118
Traverse City, MI 49685
Ph: (616) 941-9203
Fax: (616) 941-0104

CORPORATE OFFICE:

5460 S. Quebec
Suite #300
Englewood, CO 80111
Ph: (303) 694-3388
Fax: (303) 770-1996

GAS PLANT:

6660 River Road
P.O. Box 69
Manistee, Michigan 49660
Ph: (616) 723-8717
Fax: (616) 723-8088

September 5, 1995

Mr. Dale L. Picardat
Community Development Officer
City of Manistee
70 Maple Street
Post Office Box 358
Manistee, Michigan 49660

RE: Filer #1-10 Proposed Pipeline Project

Dear Dale,

We apologize for the delay in our response to your matters of interest/concern and assure you it was not done on purpose.

For your review please find the following:

- a. Gas analysis (gas chromatograph and sulfur scan) for the State-Filer #1-10 well commonly referred to as the "Golf Course Well". As you can see the well is very low in hydrogen (H₂S) content and therefore is not regulated as a "sour" well nor does it have any "stipulation and consent order" that mandates conditions pertaining to the well operation.
- b. A copy of our "Operational Manual and Emergency Response" (OM&E Plan) is enclosed as well for your review. Our 1/2 mile residential listing is not completed as of yet but we are working on it and hope to be done by the close of this month. This is something that is required prior to "start-up" of the pipeline system.
- c. Construction drawing and safety features along with "expert testimony" given to the Michigan Public Service Commission (MPSC) are enclosed for your review and files.

September 5, 1995
Mr. Dale L. Picardat
Page 2 - Continued

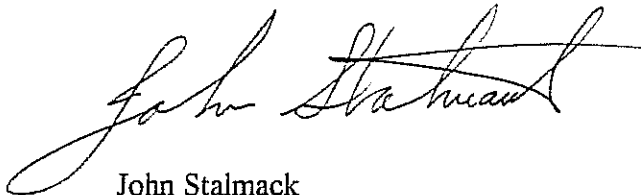
As you and I discussed during a telephone conversation last week we ran "radius of exposure" simulations on our "TR-PUF" program (modeling program for leak disasters) and the highest concentration we had was .32 parts per million (.32 ppm) of hydrogen sulfide. This is not considered dangerous in regards to "poison gas" standards. We fully realize there is still a danger in regards to possible fire or explosion, much in the same manner as that of our local gas utility company, but the threat of hazardous gas concentrations does not exist.

We would like to be placed on the September 7, 1995 agenda with the Planning Commission for the City of Manistee in regards to a request for permission to utilize City of Manistee road easements to construct and operate a short pipeline segment for the State-Douglas #2-11B well.

Should you have any questions/comments please do not hesitate to call.

Sincerely,

Manistee Gas Limited Liability Company
Basin Pipeline Limited Liability Company

A handwritten signature in black ink, appearing to read "John Stalmack", with a stylized, flowing script.

John Stalmack
Operations Manager

JS/sj

Enclosure: o Gas Analysis
 o Sulfur Scan
 o Construction Drawings
 o Expert Testimony
 o OM&E Plan



9.7-95
RECEIVED SEP - 4 1995

802 MERRITT, S.E. (49507) P.O. BOX 7347 GRAND RAPIDS, MI 49510-7347 PHONE (616) 452-327

September 1, 1995

Mr. John Stalmack
Manistee Gas LLC
356 River St.
Manistee, MI 49660

Dear John:

This letter is in response to your request for a description of the safety features of the proposed Filer #1-10 pipeline system. Enclosed is a copy of my direct testimony before the Michigan Public Service Commission which addresses the pipeline safety issues for this project. Also included are the answers to several safety related questions asked by the MPSC staff.

Exhibit DDS-3 is a summary of the safety features for the pipeline, most of which exceed the requirements of the Michigan Gas Safety Code.

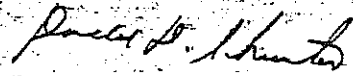
Exhibit DDS-5 is a summary of dispersion calculations which show various H₂S release scenarios. Because the pipeline will be transporting gas with a low H₂S concentration, there is no danger to residents from the hydrogen sulfide gas. The major safety concern for this pipeline, in my opinion, is the fact that the line will transport high pressure natural gas. That safety issue has been adequately addressed with the design features described on Exhibit DDS-3.

Exhibit DDS-2 shows the various connection points of the proposed pipeline. Note that safety valves are shown at the wellhead (double safety) and at the proposed production facility. The Michigan Gas Safety Code requires that any pipeline installed in a Class III area (more than 46 houses per mile) have safety isolation valves installed every 8 miles at a minimum. Our original design included isolation valves at the well, production facility, and tap site, or basically every 2 1/2 miles. This easily exceeds the requirements of the Code. However, you have asked us to add additional safety valves and we have done so. Two additional valves have been added in the portion of the pipeline which lies within the City of Manistee. This is reflected on construction drawing #MG-94-117.

Manistee Gas LLC
September 1, 1995
Page 2

If you have any questions or comments about the information presented, please call.

Yours very truly,



Donald D. Schuster, P.E.

Enclosures

cc: Dwain Immel



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

616-723-2558
FAX 616-723-1546

September 7, 1995

TO: Planning Commission
FROM: R. Ben Bifoss, City Manager
SUBJECT: Lakefront Access

At the regular meeting of Tuesday, September 5, 1995 the Manistee City Council took action to request Planning Commission consideration of alternatives to provide additional public access to Lake Michigan between Man-Made Lake and the north City limits. The Planning Commission is requested to consider this matter and provide recommendations to the City Council. Thank you.

RBB:ck

cc. Manistee City Council
Jon Rose, Code Administrator

SEP 7 1995 9-7-95

SAND PRODUCTS CORPORATION

MINERS AND SHIPPERS OF
"THAT BETTER SAND"



September 5, 1995

GENERAL OFFICES
1111 FIRST NATIONAL BUILDING
DETROIT, MI 48226-3513
TELEPHONE (313) 961-2483

Mr. Ben Bifoss
City Manager
City of Manistee
70 Maple Street
P.O. Box 358
Manistee, MI 49660

Dear Mr. Bifoss:

I have enclosed the signed, witnessed, and notarized agreements. Please forward to us an original signed copy. Thank you.

Sincerely yours,

Sally A. Beck

Enclosure

LEASE AGREEMENT

THIS AGREEMENT entered into this ____ day of _____, 1995 between SAND PRODUCTS CORPORATION, a Michigan Corporation (herein after "SPC") of 1111 First National Building, Detroit, Michigan 48226, and the CITY OF MANISTEE, a Municipal Corporation, (hereinafter "CITY") of 70 Maple Street, PO Box 358, Manistee, Michigan 49660;

WHEREAS, SPC owns certain real property lying within the City of Manistee; and

WHEREAS, CITY desires to lease part of such property owned by SPC, and SPC is willing to lease such property to the CITY:

NOW, THEREFORE, SPC and CITY, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties do enter into this **Lease Agreement**, according to the following terms and conditions:

1] LEASE OF PROPERTY

SPC leases to CITY that property generally known as "Man Made Lake", lying within the boundaries of the City of Manistee, and all of that property owned by SPC immediately adjacent to Man Made Lake, Manistee, Michigan, and which is generally described by the property codes that follow, and that is depicted in the attached map/sketch of the property which is attached hereto and made a part hereof as Exhibit "A" as denoted and highlighted thereon:

PARCEL CODE NUMBER

51-51-102-150-01

51-51-202-300-01

51-51-260-707-01

51-51-260-707-09

51-51-260-709-01

51-51-260-711-01

51-51-260-712-01

This lease does not include the lease of any oil, gas or related hydrocarbon rights or interests, the same being specifically reserved unto the lessor, Sand Products Corporation.

The City shall not be responsible for any environmental hazard, condition, or liability caused by SPC or its predecessors or successors. The CITY shall be responsible for only those environmental hazards, conditions or liabilities that it causes to the premises during the term of this lease.

2] LEASE PAYMENT

CITY shall pay to SPC an annual amount per year that is equal to the amount of \$100.00 or the annual Property tax bill assessed against the demised real estate, whichever is greater, with the first annual rental being due and payable on the due date of the taxes for 1995 and a like amount on the same day in each subsequent year of the lease, unless such lease is canceled before the completion of the term as described herein.

3] TERM & CANCELLATION

The primary term of this lease shall be for twenty years from the date hereof. **However**, either Party may cancel this lease, and be relieved of all liability thereunder, upon 180 days written notice to the opposite Party, with rent to be prorated for the period of occupancy during such notice period.

4] PERMITTED USE(S)

CITY acknowledges and agrees that the only permitted use of the demised premises is to provide public access to, and recreational beach, in and around Man Made Lake, and for no other purpose.

5] IMPROVEMENTS

CITY shall make no changes or improvements to the demised premises except for the creation of parking locations, which locations must receive the prior approval of SPC, and which approval shall not be unreasonably or capriciously withheld.

6] INSURANCE AND INDEMNIFICATION

CITY shall maintain general liability insurance on the demised premises in an amount not less than \$5,000,000.00. Further, CITY shall hold SPC harmless for any and all accidents, claims for injury and damages, of any kind or nature, arising out of the use by CITY of the demised premises as recreational area. And City

shall hold SPC harmless for any damages, claims for injuries or accidents that may result from the use of the demised premises as a recreational area, and defend SPC from any claim for injuries or damages arising from such use, and indemnify SPC from any judgment for damages arising from the CITY's use of the demised premises as a recreational area.

7] PROPERTY TAX ASSESSMENT(S)

The property tax assessments as to the demised premises, shall be reflective of the public use to which such real estate will be subject during the term of this lease.

To the extent that SPC makes improvements to the property during the term of this lease that are private improvements and not available for the general public use(s) provided for in Paragraph 4 hereof, such improvements and the real estate upon which they are situated, shall not be part of the property covered by paragraphs 2 and 7 of the lease agreement between the parties.

8] DEFAULTS

A default in any of the provisions of this lease shall be considered a default in the other provisions of the lease, and upon such default(s) SPC shall have the right to immediately re-occupy the premises upon written notice of its intention to do so.

9] RETURN OF PROPERTY

Upon the termination of this lease, its cancellation according to the terms hereof, or upon notice of default, the CITY shall return occupancy of the demised premises to SPC in the same condition as existed upon execution of this lease, except for changes or improvements that have been approved by SPC, ordinary "wear and tear", or changes caused by wind, wave, lake level changes or other natural phenomena over which CITY has no control. Such phenomena shall include, but not be limited to any erosion to the west boundary berm of Man Made Lake. SPC acknowledges that CITY has no duty to maintain, construct or reconstruct such berm.

10] NOTICES

Any notice or communication required by this agreement are to be given to the following address, by first class mail:

CITY:

City Manager
City of Manistee
70 Maple Street- PO Box 358
Manistee, Michigan 49660

SPC:

President
Sand Products Corporation
1111 First National Building
Detroit, Michigan 48226

11] ENTIRE AGREEMENT

This written lease encompasses the entire agreement of the Parties, and incorporates all of their discussions and negotiations. Each Party affirms that there are no oral agreements, or other agreements, that are not incorporated herein. This Lease can be modified only by written agreement as signed by the Parties.

12] APPLICABLE LAW

This agreement shall be interpreted according to laws of the State of Michigan.

13] BINDING EFFECT

This Lease shall be binding upon the heirs, successors and assigns of the respective parties hereto.

WHEREFORE, the Parties sign this Lease Agreement on the date so noted.

CITY OF MANISTEE

By: Beth Adams, Mayor

By: Kenneth Oleniczak, Clerk

Sally A. Bue
Thomas A. Bue

SAND PRODUCTS CORPORATION

Brad McKee
By: Brad McKee, President

Max McKee
By: Max McKee, Vice-President

State of Michigan
County of Wayne

On the 5 day of September, 1995 before me, a Notary Public in and for the County of Wayne, State of Michigan, personally appeared Brad McKee and Max McKee, President and Vice-President of Sand Products Corporation, a Michigan Corporation, to me known to be the same persons described, and first being duly sworn, affirmed that they affixed their signatures to the foregoing lease as a free act and deed.

Julie A. Gharios
Julie A. Gharios, Notary Public
Wayne County, Michigan
My Commission Expires: March 4, 1999

JULIE A. GHARIOS
Notary Public, Wayne County, MI
My Commission Expires Mar. 4, 1999

State of Michigan
County of Manistee

On the ____ day of _____, 1995 before me, a Notary Public in and for the County of Manistee, State of Michigan, personally appeared Beth Adams and Kenneth Oleniczak, Mayor and Clerk of the City of Manistee respectively, and first being duly sworn, affirmed that they affixed their signatures to the foregoing lease as a free act and deed.

_____, Notary Public
County of Manistee, Michigan
My Commission Expires: